HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Petition No.7833 of 2006

Between:

Reddy Ramachandra Rao … Petitioner

And

Government of Andhra Pradesh, rep. by its Principal Secretary, Irrigation Department, Secretariat, Hyderabad & others.

… Respondents

:: ORDER ::

Counsel for the petitioner : Sri P. Venugopal

Counsel for Respondent Nos.1 to 4 : Sri A. Satya Prasad, Special Government Pleader

Counsel for Respondent No.5 : None.

22nd June, 2006

Per G.S.Singhvi, C.J.

In this petition, the petitioner, who is a resident of Ananthapalli village, Nallajerla Mandal, West Godavari District and claims to be a social worker has prayed for issue of a mandamus to the respondents to protect the water tank situated in

Survey No.525 of Ananthapalli village.

In paragraph 4 of the counter affidavit filed by respondent No.4, the following averments have been made:

> "It is submitted that the water tank existing in Survey No.525 and an old temple of village Goddess (Polamma Devta) adjacent to the existing water tank do not come under the approved R4 alignment of Indira Sagar Right Main Canal. Therefore, the demolishing of the water tank and adjacent temple for the purpose of excavation of Indira Sagar Right Main Canal do not take place under any circumstances."

Sri Venugopal says that in view of the aforementioned averments, the cause for filing of the writ petition does not survive and the same may be disposed of as infructuous.

The request of Sri Venugopal is accepted and the writ petition is disposed of as infructuous.

While disposing of the writ petition in the manner indicated above, we deem it proper to take notice of the direction contained in order dated 20th April, 2006, a reading of which shows that the Court had enlarged the scope of the writ petition filed by Sri Reddy Ramachandra Rao and called upon the Government to show cause as to why a general direction may be not issued in public interest that no water tank/tank bed or land described as cheruvu be put to any other use by any public authority or private individual or is allowed to be used for any other purpose.

Registry is directed to register a separate petition for considering this issue and list the matter in the month of August, 2006.

Learned Special Government Pleader is directed to ensure that affidavits of Principal Secretary, Irrigation Department and

Principal Secretary, Panchayat Raj Department are filed detailing the steps taken by the State Government for protecting the water tanks and lands described as Cheruvu.

G.S.SINGHVI, C.J.

22nd June, 2006

G.V.SEETHAPATHY, J.

ARS